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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/195,332	11/18/1998	VIBHU K. KALYAN	020431.0328	4204
53184	7590	05/18/2006	EXAMINER	
i2 TECHNOLOGIES US, INC. ONE i2 PLACE, 11701 LUNA ROAD DALLAS, TX 75234			NGUYEN, NGA B	
			ART UNIT	PAPER NUMBER
			3628	

DATE MAILED: 05/18/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/195,332

Applicant(s)

KALYAN, VIBHU K.

Examiner

Nga B. Nguyen

Art Unit

3628

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 February 2006.
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1-19 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This Office Action is the answer to the communication filed on February 1, 2006, which paper has been placed of record in the file.
2. Claims 1-19 are pending in this application.

Response to Arguments/Amendment

3. Applicant's arguments with respect to claims 1-19 have been considered but are not persuasive.

In response to applicant's arguments regarding to official notice taken, examiner submit that applicant has not submitted any rebuttal of the well known statements, but has merely requested references disclosing the well known limitations. In the paragraph in MPEP 2144.03, reference is made to *In re Ahlert* 424 F.2d 1088, 1091, 165 USPQ 418, 420-421 (CCPA 1970) that "Furthermore, the applicant must be given the opportunity to challenge the correctness of such assertion and allegations." Again, applicant has not challenged the correctness of the assertions, only the user of Official notice. Bald statements such as "the examiner has not provided proof that this element is well known" or "applicant hereby requests evidence in support thereof", are not adequate and do not shift the burden to the examiner to provide evident in support of the official notice. Allowing such statements to challenge official notice would effectively destroy any incentive on the part of the examiner to user it in the process of establishing a rejection of notoriously well known facts (*In re Boon*, 169 USPQ 231 (CCPA 1971)).

In conclusion, for the reason set forth above, examiner decides to maintain the previous rejection and make this Office action FINAL.

4. Applicant's amendment necessitated the new grounds of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Maeda et al (herein after Maeda), U.S. Patent No. 5,377,095.

Regarding to claim 1, Maeda discloses a computer-implemented method of valuing products, the method being performed using one or more processing units, the method comprising:

using one or more processing units, assigning a price to each of a plurality of products, each product comprising one or more product components (column 3, lines 54-57);

using one or more processing units, assigning a demand probability value to each product (column 4, lines 20-21);

using one or more processing units, calculating a component value for each component by performing the following steps: (a) assigning a beginning value for each component; (b) for a first component, calculating prorated values; (c) calculating a component value as a function of the prorated values and the probability values; (d) repeating steps (b) and (c) for other components; (e) determining whether the component values converge; and (9) if any component value does not converge, using the calculated component value as the beginning component value and repeating steps (b) through (e) for that component (figures 29-32 and column 11, line 65-column 12, line 55); and

using one or more processing units, calculating a value for each product, based on the results of the preceding step, by summing the component values of all components of that product (column 13, lines 48-67).

Maeda does not disclose a prorated value is calculated on that component by calculating the difference between the product price and a value of the product's other components. However, it is well known in the art to design a prorated value is calculated on that component by calculating the difference between the product price and a value of the product's other components. Therefore, it would have been obvious to one with ordinary skill in the art at the time the invention was made to modify Maeda's to include the feature above for the purpose of enhancing the method of valuating a product.

Regarding to claim 2, Maeda discloses step (c) is performed by multiplying probability values by prorated values (column 12, lines 35-40).

Regarding to claim 3, Maeda discloses step (c) is performed by obtaining a sum of products of probability values and prorated values (column 13, lines 63-65).

Regarding to claim 4, Maeda discloses the probability values include both the probability of demand for a product and the probability that demand will arrive in a certain order relative to other products (column 7, lines 14-23).

Regarding to claim 5, Maeda discloses the method is performed to value non-standard products and assigning prices to products is performed by assigning prices of standard products (figures 9, 10).

Regarding to claim 6, Maeda discloses a computer-implemented method of pricing an order for product based on varying lead times during a specified time period, the method being performed using one or more processing units, the method comprising: using one or more processing units calculating a set of values for a product over a range of available supplies of the product; and using one or more processing

Art Unit: 3628

units calculating revenue displaced by the incremental production quantity using the product values; repeating the preceding step for each other order point; using one or more processing units calculating an average displaced revenue; and calculating the price for the order, using the results of the preceding step (figure 34 and column 13, line 48-column 14, line 22).

Maeda does not disclose determining a size Q of the order; selecting a set of order points during a time horizon, each order point having a least time LT to the next order point; for a first order point, calculating an incremental production quantity as $QJLT$. However, it is well known in the art to determine a size Q of the order; selecting a set of order points during a time horizon, each order point having a least time LT to the next order point; for a first order point, calculating an incremental production quantity as $QJLT$. Therefore, it would have been obvious to one with ordinary skill in the art at the time the invention was made to modify Maeda's to include the feature above for the purpose of enhancing the method of valuating a product.

Regarding to claim 7, Maeda discloses the product has multiple components and the method further comprises repeating all steps for each component and summing the results (figures 28, 34).

Claim 8 contains similar limitations found in claim 1 above, therefore, is rejected by the same rationale.

Regarding to claim 9, Maeda discloses the displaced revenue is calculated by integrating a curve representing the set of product values (figure 9).

Regarding to claim 10, Maeda discloses the displaced revenue is calculated as the difference between a total potential revenue, determined from the product values for all available supplies S, and the total potential revenue for S-Q (column 11, line 65-column 12, line 55).

Regarding to claim 11, Maeda discloses a computer-implemented method of pricing made-to-order products, the method being performed using one or more processing units, the method comprising:

performed using one or more processing units, assigning a demand probability value to each of a plurality of products, each product having an associated delivery time and price (column 5, lines 9-17),.

performed using one or more processing units, calculating an expected revenue from the products for at least two available capacities, the expected revenue being a function of the demand probability value and the prices (figure 30 and column 12, lines 20-50);

Maeda does not disclose calculating an asking price for each of the products as the difference between its expected revenue from successive available capacities. However, it is well known in the art to calculate an asking price for each of the products as the difference between its expected revenue from successive available capacities. Therefore, it would have been obvious to one with ordinary skill in the art at the time the invention was made to modify Maeda's to include the feature above for the purpose of enhancing the method of valuating a product.

Regarding to claim 12, Maeda discloses the expected revenue is calculated as a sum of products of the probability values and the prices (figure 9).

Regarding to claim 13, Maeda discloses the expected revenue is calculated from a binary tree representing the probability values and the prices (figure %).

Regarding to claim 14, Maeda discloses the expected revenue is calculated for each product in response to a product control policy (column 16, lines 37-65).

Regarding to claim 15, Maeda discloses comparing the asking price for different products at a given capacity (figure 40).

Claims 16-19 have similar limitations found in claims 1, 6, 11 above, therefore, are rejected by the same rationale.

Conclusion

7. Claims 1-19 are rejected.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to examiner Nga B. Nguyen whose telephone number is (571) 272-6796. The examiner can normally be reached on Monday-Thursday from 9:00AM-6:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hyung S. Sough can be reached on (571) 272-6799.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (571) 272-3600.

Art Unit: 3628

9. Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

C/o Technology Center 3600

Washington, DC 20231

Or faxed to:

(571) 273-8300 (for formal communication intended for entry),

or

(571) 273-0325 (for informal or draft communication, please label

"PROPOSED" or "DRAFT").

Hand-delivered responses should be brought to Knox building, 501 Dulany
Street, Alexandria, VA, First Floor (Receptionist).



NGA NGUYEN
PRIMARY EXAMINER

March 28, 2006